

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
FOR THE FOURTH CIRCUIT  
Richmond, VA (05/15/2012 - 05/18/2012 Session)

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11-0004	<a href="#">Briefs</a>	HABEAS CORPUS. Numerous issues arising out of state capital murder conviction and sentencing.
Leon Winston v. Eddie Pearson ( Wilson )		
Associations:	11-0005	

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10-5026	<a href="#">Briefs</a>	CRIMINAL: Whether right to a fair trial violated during jury selection; validity of search warrant and admission of evidence; identification issue.
US v. John Legrand ( Blake )		

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11-1694	<a href="#">Briefs</a>	ARBITRATION: Whether this court has jurisdiction over the Health Plan's appeal under section 16 of the Federal Arbitration Act, 9 U.S.C. section 16 (2006).
Wheeling Hospital, Inc v. The Health Plan ( Stamp )		

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11-4348	<a href="#">Briefs</a>	CRIMINAL: Whether it was error to prohibit, as condition of drug offender's supervised release, unsupervised visitation with children or romantic relationship with a minor's custodial parent; other issues.
US v. David Worley ( Jones )		

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PANEL I  
Red Courtroom (Room 412)  
9:30 a.m.

Tuesday, May 15, 2012

REVD 4/25/12

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10-1074	<a href="#">Briefs</a>	PANEL REHEARING.
Debbie McCravy v. Metropolitan Life ( Duffy )		
Associations: 10-1131		

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11-2046	<a href="#">Briefs</a>	IMMIGRATION: Whether voluntariness is relevant in analyzing the "material support" bar under 8 U.S.C. section 1182(a)(3)(B)(iv)(VI); other issues.
Jose Barahona v. Eric Holder, Jr.		

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11-1022	<a href="#">Briefs</a>	CIVIL: Whether district court erred in finding Appellee entitled to qualified immunity on claim of malicious prosecution arising from misidentification.
Michael Durham v. David Horner ( Jones )		

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11-4853	<a href="#">Briefs</a>	CRIMINAL: Whether failure to receive notice of deportation proceeding that was mailed to address provided by juvenile alien renders improper alien's subsequent conviction for illegal reentry.
US v. Antonio Acosta-Flores ( Gibney )		

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PANEL II  
Blue Courtroom (Room 339)  
9:30 a.m.

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11-4095 [Briefs](#)

US v. Jose Mendez  
( Boyle )

SENTENCING GUIDELINES: Reasonableness of sentence where court did not give individualized explanation; other issues.

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11-7389 [Briefs](#)

Josiah Deyton v. Alvin Keller, Jr.  
( Reidinger )

HABEAS CORPUS: Whether the trial court's religious comments at sentencing violated due process; other issues.

PANEL III  
Tan Courtroom (Room 223)  
9:30 a.m.

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11-4859	<a href="#">Briefs</a>	CRIMINAL LAW: Whether proof of "contemplated harm" is necessary for mail fraud conviction; sufficiency of the evidence; other issues.
US v. G. Martin Wynn ( Anderson )		
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11-4452	<a href="#">Briefs</a>	CRIMINAL: Whether the district court erred in denying defendant's motion to suppress on Fourth Amendment grounds.
US v. Clifford Laihben ( Eagles )		
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12-4089	<a href="#">Briefs</a>	CRIMINAL: Whether district court erred in using modified categorical approach to determine whether Maryland child abuse conviction was a crime of violence.
US v. Mirna Gomez ( Chasanow )		
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11-4680	<a href="#">Briefs</a>	CRIMINAL: Whether the evidence was sufficient to sustain conspiracy conviction, whether two counts alleging violation of 18 U.S.C. section 924(c) were multiplicitous.
US v. Timothy Guess ( Davis )		

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PANEL IV  
Tweed Courtroom (Room 414-D)  
9:30 a.m.

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11-4892	<a href="#">Briefs</a>	CRIMINAL: First Amendment and sufficiency of evidence challenges to convictions for wearing military uniform & medals
US v. Michael Hamilton ( Howard )		
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11-1759	<a href="#">Briefs</a>	LABOR LAW: Whether the district court abused its discretion in refusing to enforce the EEOC's administrative subpoena.
EEOC v. Randstad ( Bennett )		
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11-4164	<a href="#">Briefs</a>	CRIMINAL LAW: Numerous challenges to conviction and sentence.
US v. Mohamad Hammoud ( Mullen )		
Associations: 11-4346		
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11-1052	<a href="#">Briefs</a>	CIVIL: Whether district court erred in finding that defendants violated the applicable standard of care and in finding plaintiff
Benjamin Hines, Jr. v. Triad Marine Center, Inc ( Britt )		

PANEL V  
Gold Courtroom (Room 348)  
9:30 a.m.

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11-0009	<a href="#">Briefs</a>	HABEAS CORPUS. Multiple issues arising out of state capital murder conviction and sentencing.
Ivan Teleguz v. Eddie Pearson ( Jones )		
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11-1644	<a href="#">Briefs</a>	CIVIL: Whether district court erred in ruling Defendant was entitled to summary judgment on counterclaim for attorneys fees and expenses under parties' license agreement; whether amount awarded was reasonable.
Westgate Myrtle Beach, LLC v. Holiday ( Childs )		
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11-4714	<a href="#">Briefs</a>	CRIMINAL: Challenges to evidentiary rulings and jury instructions; alleged Sixth Amendment violation.
US v. Lee Farkas ( Brinkema )		
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11-2103	<a href="#">Briefs</a>	ARBITRATION: Whether district court correctly found that appellees' broker was an associated person of appellant under FINRA Rules and properly granted summary judgment in declaratory judgment action.
Waterford Investment Services v. Louis Bosco ( Payne )		

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PANEL I  
Red Courtroom (Room 412)  
9:30 a.m.

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11-1739	<a href="#">Briefs</a>	ENVIRONMENTAL LAW: Whether decision approving proposed dam/impoundment project violated the National Environmental Policy Act.
Pat Webster v. USDA ( Bailey )		
10-2160	<a href="#">Briefs</a>	INSURANCE: Whether "business use" exclusion applied to relieve insurer of obligation to indemnify appellant; whether state court judgment collaterally estopped insurer from litigating applicability of exclusion.
Augustine Forkwar v. Empire Fire and Marine ( Connelly )		
11-1573	<a href="#">Briefs</a>	CIVIL: Whether the district court correctly found that Plaintiff failed to exhaust her administrative remedies before filing her ADA claim; other issues.
Carolyn Sydnor v. Fairfax County, Virginia ( Cacheris )		
11-1618	<a href="#">Briefs</a>	CIVIL: Sufficiency of evidence of fraud in connection with loan made to borrowers acquiring defendants company.
Bank of America, National Asso v. Christopher ( Hilton )		

PANEL II  
Green Courtroom (Room 201)  
9:30 a.m.

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11-1889	<a href="#">Briefs</a>	CONTRACT LAW: Whether the district court properly interpreted and enforced restrictive covenants in Services Agreements under Florida law; whether liquidated damages provision is enforceable.
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11-1796	<a href="#">Briefs</a>	RICO: Whether the district court erred in dismissing claims; whether the court erred in its application of the intracorporate conspiracy doctrine.
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11-1770	<a href="#">Briefs</a>	TITLE VII: Whether district court improperly weighed comparator evidence in finding absence of pretext.
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11-2093	<a href="#">Briefs</a>	EMPLOYMENT LAW: Whether the district court erred in finding that plaintiff did not have a disabling condition within the meaning of the Montgomery County Code; other issues.

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PANEL III  
Tan Courtroom (Room 223)  
9:30 a.m.

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10-2366	<a href="#">Briefs</a>	CIVIL: Whether Sadisco had property interest in permit; breach of contract; state law tort claims; qualified immunity.
Jane Huggins v. Prince George's County, MD ( Williams )		

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11-1711	<a href="#">Briefs</a>	INSURANCE/CONTRACT: Numerous assertions of error in district court's ruling involving the interpretation of commercial insurance contract and its determination of damages permitted under the contract.
Tastee Treats, Incorporated v. United States ( Johnston )		
Associations: 11-1771		

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11-1601	<a href="#">Briefs</a>	SECTION 1983: Whether police violated decedent's constitutional rights in course of pursuit.
John Cook, III v. Raymond Howard ( Motz )		

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11-1544	<a href="#">Briefs</a>	CIVIL: Whether district court correctly resolved claim under Fair Debt Collections Practices Act; discovery.
James McLean v. Ronald Ray ( O'Grady )		

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PANEL IV  
Tweed Courtroom (Room 414-D)  
9:30 a.m.

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11-1479	<a href="#">Briefs</a>	TORTURE VICTIM PROTECTION ACT: Whether defendant was entitled to immunity from damages suit based upon common law "head-of-state" or "official act" immunity grounds; other issues.
Bashe Yousuf v. Mohamed Samantar ( Brinkema )		
10-2425	<a href="#">Briefs</a>	CIVIL: Whether district court properly denied relief on claims including denial of due process, defamation, and gender discrimination arising from refusal to advance medical resident to second year of residency program.
Claudine Nigro v. VCU/Medical College of VA ( Conrad )		
11-4755	<a href="#">Briefs</a>	CRIMINAL LAW: Does 18 U.S.C. section 3261(a)(1) exceed Congressional power to criminalize the conduct of a foreign national in a foreign country; other issues.
US v. Sean Brehm ( Trenga )		
11-1886	<a href="#">Briefs</a>	BANKRUPTCY: Numerous issues arising from property lien dispute; attorneys' fees and costs.
Bank of NY Mellon Trust Co. v. Tysons ( Mitchell )		

PANEL V  
Gold Courtroom (Room 348)  
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11-0006 [Briefs](#)

Justin Wolfe v. Harold Clarke  
( Jackson )

Associations: 11-0007

HABEAS CORPUS. Numerous issues arising out of state capital murder conviction and sentencing.

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11-1498 [Briefs](#)

US ex rel. Debra Parks v. Alpharma,  
( Bennett )

FALSE CLAIMS ACT: Whether district court erred in granting summary judgment.

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11-1378 [Briefs](#)

Andrew Kane v. Brian Lewis  
( Legg )

Associations: 11-1379

CIVIL: Numerous issues in wrongful death action relating to knock-and-announce requirement, validity of search warrants, excessive force, admission of evidence, other issues.

PANEL I  
Red Courtroom (Room 412)  
9:30 a.m.

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11-1476	<a href="#">Briefs</a>	CIVIL: Whether district court properly concluded that plaintiff was not substantially limited in his ability to perform the major life function of "seeing"; other issues.
Chuckwudi Perry v. David Kappos ( Cacharis )		

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11-1809	<a href="#">Briefs</a>	NATIONAL VOTER REGISTRATION ACT: Whether the Act requires that voter applications be made available to the public.
Project Vote v. Elisa Long ( Smith )		

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11-1243	<a href="#">Briefs</a>	FEDERAL ARBITRATION ACT: Whether state law nullifying arbitration provisions in insurance contracts "reverse preempts" chapter 2 of the Act; other issues.
ESAB Group, Incorporated v. Zurich Insurance ( Rogers )		
Associations: 11-1655		

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PANEL II  
Green Courtroom (Room 201)  
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11-1342	<a href="#">Briefs</a>	FTCA: Whether private persons in circumstances of Mine Safety and Health Administration inspectors would be liable to appellants under West Virginia tort law.
Delorice Bragg v. US ( Copenhagen )		
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11-1668	<a href="#">Briefs</a>	ERISA: Did amendment to pension plan's definition of "normal retirement age" violate ERISA and implementing regulations: other issues.
David McCorkle v. Bank of America Corporation ( Mullen )		
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11-1704	<a href="#">Briefs</a>	FIDUCIARY LAW: Did the district court err in dismissing the claims for aiding and abetting breach of fiduciary duty and for civil conspiracy.
Gerald Terry v. SunTrust Banks, Incorporated ( Anderson )		

Associations: 11-1707

PANEL III  
Tan Courtroom (Room 223)  
9:30 a.m.

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10-2270	<a href="#">Briefs</a>	CIVIL: Whether appellant's conviction for obtaining a controlled substance by fraud required the Secretary of HHS to exclude him from participating in federally-sponsored health care programs for five years.
Breton Morgan v. Kathleen Sebelius ( Chambers )		
<hr/>		
10-2320	<a href="#">Briefs</a>	CIVIL: Whether corporations created by various states for the purpose of financing, servicing, or collecting student loans are "persons" subject to liability under the False Claims Act.
US ex rel. Jon H. Oberg v. Kentucky Higher Ed. ( Anderson )		
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11-7226	<a href="#">Briefs</a>	CIVIL COMMITMENT: Whether the 18 U.S.C. section 4248 proceedings deprived appellee of equal protection and due process; whether evidentiary standard for commitment was met.
US v. Walter Wooden ( Boyle )		
<hr/>		
12-1205	<a href="#">Briefs</a>	CIVIL COMMITMENT: Whether district court erred in concluding that respondent was not sexually dangerous within meaning of 18 U. S. C. section 4248.
US v. Sean Francis ( Boyle )		

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PANEL IV  
Tweed Courtroom (Room 414-D)  
9:30 a.m.

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11-4709	<a href="#">Briefs</a>	CRIMINAL LAW: Whether Virginia conviction for producing obscene items involving children qualifies to enhance sentence under 18 U.S.C. section 2252A.
US v. Ronald Colson ( Davis )		

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11-1326	<a href="#">Briefs</a>	INSURANCE: Whether district court properly granted summary judgment in favor of insurer on policyholder's claim for indemnification.
Capital Environmental Services v. North River ( Ellis )		

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11-1922	<a href="#">Briefs</a>	CIVIL: Whether the district court, applying Virginia law, properly granted declaratory judgment to insurance company finding insurance policy did not cover collapse of wall.
Great American Insurance Co v. Rose Bogley ( Hilton )		

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PANEL V  
Gold Courtroom (Room 348)  
9:30 a.m.

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11-6152	<a href="#">Briefs</a>	HABEAS: Whether the Supreme Court in Carachuri-Rosendo v. Holder, 130 S. Ct. 2577 (2010) announced a new rule that is retroactive to cases on collateral review.
US v. Troy Powell ( Voorhees )		
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11-1899	<a href="#">Briefs</a>	FIRST AMENDMENT: Whether district court correctly found that plaintiffs' statements were not on matters of public concern; qualified immunity; other issues.
James Brooks v. Howard Arthur, Sr. ( Moon )		
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10-5217	<a href="#">Briefs</a>	CRIMINAL: Whether death is an element or a sentence enhancement of 18 U.S.C. section 2113(e); adequacy of instructions and sufficiency of evidence for that offense; Fourth Amendment issue.
US v. Larry Whitfield ( Conrad )		
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10-5289	<a href="#">Briefs</a>	CRIMINAL: Whether exclusion of evidence and whether jury instructions violated defendants' constitutional rights; sentencing issues.
US v. Harriet Jinwright ( Whitney )		
Associations: 10-5290		

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Red Courtroom (Room 412)  
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11-4052	<a href="#">Briefs</a>	CRIMINAL: Whether district court abused its discretion by denying Horton's motions to substitute counsel and for a new trial; numerous sentencing issues.
US v. Timothy Horton ( Fox )		

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11-1726	<a href="#">Briefs</a>	FALSE CLAIMS ACT: Whether district court properly dismissed action based on Public Disclosure Bar; other issues.
United States ex rel Paul Black v. Health & ( Bennett )		

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11-1708	<a href="#">Briefs</a>	CONSUMER CREDIT: Whether newspaper notice of sale of repossessed vehicles was sufficient to render sale "public" as matter of law under Maryland's Closed End Credit Grantor Act.
Gladys Gardner v. Ally Financial Incorporated ( Motz )		

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Associations: 11-1731

PANEL II  
Green Courtroom (Room 201)  
8:30 a.m.

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10-4781	<a href="#">Briefs</a>	CRIMINAL: Admission of evidence in trial on racketeering and drug conspiracies; propriety of jury instructions; denial of motion to sever; sentencing issues regarding statutory sentencing enhancement and relevant conduct; other issues.
US v. Tavon Mouzone		
Associations: 10-4814		
10-4725	<a href="#">Briefs</a>	CRIMINAL: Admission of evidence under Fed. R. Evid. 404(b), and expert testimony; propriety of jury instructions; sufficiency of evidence of conspiracy to commit murder as objective of RICO conspiracy; other issues.
US v. Ronnie Thomas		
Associations: 10-4729		
11-4556	<a href="#">Briefs</a>	CRIMINAL: Whether detention following traffic stop violated Fourth Amendment; other issues.
US v. Vincent Hill		
( Boyle )		
11-1692	<a href="#">Briefs</a>	CIVIL: Whether district court properly awarded attorney fees based on alleged breach of settlement agreement.
Monster Daddy, LLC v. Monster Cable		
( Herlong )		

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PANEL III  
Tan Courtroom (Room 223)  
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11-4112	<a href="#">Briefs</a>	CRIMINAL: Whether the district court adequately addressed defendant's arguments for a below-Guidelines sentence; sufficiency of evidence; other issues.
US v. Esteban Salguero-Ortiz ( Cacharis )		
Associations: 11-4288		

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11-4667	<a href="#">Briefs</a>	CRIMINAL LAW: Whether prohibition on the use of corporate-treasury funds to make a contribution to a candidate violates the First Amendment.
US v. William Danielczyk, Jr. ( Cacharis )		

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11-4765	<a href="#">Briefs</a>	SENTENCING: Whether district court erred in determining that prior conviction for burglary in violation of Texas Penal Code section 30.02(a)(3) is a crime of violence for purposes of U.S. Sentencing Guidelines Manual section 2L1.2(b)(1)(A) (2010).
US v. Francisco Bonilla ( Quarles )		

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11-5028	<a href="#">Briefs</a>	CRIMINAL: Whether the district court in finding that a "reporter's privilege" applied in this case and in striking proposed government witnesses as a discovery sanction; other issues.
US v. Jeffrey Sterling ( Brinkema )		

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PANEL IV  
Gold Courtroom (Room 348)  
8:30 a.m.

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